MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF NOVEMBER 2, 2012

(Published November 10, 2012, in Finance and Commerce)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

November 2, 2012 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Gordon, Reich, Hofstede, Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, Samuels, President Johnson.

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote.

Lilligren moved acceptance of the minutes of the regular meeting of October 19, 2012. Seconded.

Adopted upon a voice vote.

Lilligren moved referral of petitions, communications, and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

AUDIT:

INTERNAL AUDIT (276085)

Third Quarter 2012 Update on Management Action Plans: PowerPoint presentation.

COMMITTEE OF THE WHOLE (See Rep):

CITY CLERK (276086)

2013 City Council Meetings/Standing Committee Meetings Calendar.

INTERGOVERNMENTAL RELATIONS (276087)

Sewer Availability Charge (SAC): SAC Work Group recommendations.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276088)

2012 Affordable Housing Trust Fund: Approval of AHTF funds for project recommendations.

Greater Metropolitan Housing Corporation (re 3939 Fremont Ave N): Transfer of NRP second mortgage loan on property from the City to GMHC.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276089)

Environmental Remediation Grant Applications for Fall 2012: Submittal of applications to Minnesota Department of Employment & Economic Development; Metropolitan Council & Hennepin County. PURCHASING (276090)

Veit and Company, Inc (re 2101 W Broadway): Contract amendment to increase funds for demolition & site clearance of property.

PUBLIC SAFETY, CIVIL RIGHTS & HEALTH:

ATTORNEY (276091)

Domestic Violence Update: Update related to the City of Minneapolis' Pledge to Reduce Domestic Violence and Work Plan, adopted in 2007.

CIVIL RIGHTS (276092)

Equity in Employment in Minneapolis and the Region update: Update report on Council Resolution 2012R-456.

HEALTH AND FAMILY SUPPORT (276093)

Violence Prevention 2013 Budget Initiative: Presentation on new initiative for preventing high-risk youth from becoming victims of violence.

PUBLIC SAFETY, CIVIL RIGHTS & HEALTH (See Rep):

HEALTH AND FAMILY SUPPORT (276094)

Federal Vaccines for Children Program: Approve entering into a Memorandum of Understanding (MOU) with the Minnesota Department of Health and Federally Qualified Health Centers/Rural Health Centers for Delegation of Authority to provide Vaccines for Children (VFC)-purchased vaccine for the School Based Clinic program for the period of January 1, 2013 through December 31, 2018.

PUBLIC SAFETY, CIVIL RIGHTS & HEALTH and WAYS & MEANS/BUDGET (See Rep)

HEALTH AND FAMILY SUPPORT (276095)

Blue Cross/Blue Shield Service Agreement: Approve provider services agreement and annual renewals with BCBS of Minnesota to allow the School Based Clinic program to bill for medical and behavioral health services.

Twin Cities Public Health and Environmental Health Mutual Aid Agreement: Approve entering into agreement between 17 jurisdictions for response in public health and environmental health emergencies for the period of January 1, 2013 through December 31, 2017.

POLICE DEPARTMENT (276096)

DWI Court Grant: Approve agreement with Fourth Judicial District Court to accept \$70,900 grant for a portion of the costs for an Adult DWI Court, funding wages for police officers to participate in the program; and approve appropriation.

REGULATORY, ENERGY AND ENVIRONMENT:

LICENSES AND CONSUMER SERVICES (276097)

Domino's Pizza, 1113 Hennepin Ave S: Application for Extended Hours License to operate 24 hours per day.

REGULATORY, ENERGY AND ENVIRONMENT (See Rep):

LICENSES AND CONSUMER SERVICES (276098)

Deans Professional Plumbing, 5392 Quam Ave, St. Michael: Approve Business License Operating Conditions relating to Combined Trades License.

Juba Cafe, 2927 E Lake St: Approve License Settlement Conference recommendations relating to Restaurant License.

LICENSES AND CONSUMER SERVICES (276099)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (276100)

Republic, 3001 Hennepin Ave: Grant On-Sale Liquor Class E with Sunday Sales License.

Lucky Dragon Restaurant, 1827 Riverside Ave S: Grant On-Sale Wine Class B with Strong Beer License.

REGULATORY SERVICES (276101)

Rental Dwelling License at 3940 4th Ave S: Approve reinstatement of license to be held by Kocon LLC, Hwan Hwang.

REGULATORY, ENERGY AND ENVIRONMENT and WAYS & MEANS/BUDGET (See Rep):

REGULATORY SERVICES (276102)

Lead Hazard Reduction Services: Amend contract with Minnesota Remodeling and Restoration Co to extend the contract for calendar years 2013 and 2014 and revise the estimated annual expenditure to \$800,000.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (276103)

Water Regulations Ordinance, Ch 509: Set public hearing for November 8, 2012 to consider updating language, modifying standards, meter ownership, and moving fees to annual rate resolution.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (276104)

Sanitary Sewer Service Availability Charges: Assessment public hearing.

Water and Sewer Service Line Repairs or Replacements: Assessment public hearing; Comments.

33rd Ave SE and Talmage Ave SE Street Reconstruction Project No 2225: Contract increase with Belair Builders, Inc.

Expansion of Residential Source-Separated Organics Collection: Minneapolis Citizens Environmental Advisory Committee (CEAC) recommendations.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (276105)

North Minneapolis Interceptor Rehabilitation Project: Master and Subordinate Funding Agreements with the Metropolitan Council.

Pioneer and Soldiers Cemetery Fence Rehabilitation Project: a) Accept Minnesota Historical and Cultural grant and increase appropriation; b) Award RFP for consulting services to Miller Dunwiddie Architecture; and c) Authorize proceeding with Phase III of project.

Hennepin County Bike Walk Grant Solicitation: Submit four bike and four pedestrian projects. Bids: a) OP 7694, Low bid of Highway Technologies, Inc. for rental of work zone traffic control devices; b) OP, 7699, Single bid of Veit Disposal Systems for disposal of construction debris and miscellaneous waste; and c) OP 7702, Low bid of Huls Bros. Trucking, Inc. for hauling and disposal of treatment residuals.

WAYS AND MEANS BUDGET:

FIRE DEPARTMENT (276106)

Workforce Management Plan: Presentation on estimated costs in response to inquiries made at 2013 budget hearings.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (276107)

Legal Settlements:

Garr White v. City of Minneapolis;

Tonya Magnan, Susan Hendrickson, and minor children v. Officers John Doe, Joe Smith, and Jane Roe and City of Minneapolis.

COMMUNICATIONS (276108)

Comcast Cable Donation: Accept donation of broadcast air time for public service announcements in August and September of 2012.

December 2012 Utility Billing Insert: Approve insert providing information about local use tax.

CONVENTION CENTER and PROCUREMENT (276109)

Bid OP 7693: Accept low responsive bid of Grand Restaurant Equipment and Design in the amount of \$128,537.65 to furnish and deliver a commercial dish machine for the Convention Center.

FINANCE AND PROPERTY SERVICES DEPARTMENT (276110)

Lease amendment; Authorize amendment to lease agreement with Canal Street Ltd Partnership (Contract C9610431) to allow minor tenant improvements and deferred maintenance in City occupied space.

INFORMATION TECHNOLOGY DEPARTMENT (276111)

RFP: Authorize issuance of an RFP for an enterprise land management.

ZONING AND PLANNING (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276112)

Karen Linner, 3013 36th Ave S: Authorize rezone the property from the R1A Single Family Residence District to the C1 Neighborhood Commercial District to allow for commercial office use of the building.

FILED:

MAYOR (276113)

Interim Director of Regulatory Services: Designation of Jay Stroebel, effective November 15, 2012. MAYOR (276114)

Minneapolis Chief of Police: Nomination Letter of Janee Harteau to fill unexpired term of Chief Dolan beginning December 1, 2012 through January 1, 2013; and to a three-year term beginning January 2, 2013.

CITY CLERK (276115)

Chapter 249 Property at 2639 Oliver Avenue North: Verbatim Transcripts of the following proceedings:

Nuisance Condition Process Review Panel Meetings held February 9, 2012; March 8, 2012; and April 12, 2012.

Regulatory, Energy & Environment Committee Meetings held May 14, 2012; and June 4, 2012 City Council meeting (RE&E portion) held June 15, 2012.

The following reports were signed by Mayor Rybak on November 7, 2012, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMITTEE OF THE WHOLE submitted the following reports:

Comm of the Whole - Your Committee recommends approval of the 2013 City Council and Standing Committees calendar as set forth in Petn No. 276086.

Further, that the City Clerk be directed to post said calendar in appropriate places as a notice of regular meetings and to incorporate changes to the calendar as necessary to accommodate the work of the City Council.

Adopted.

Comm of the Whole/IGR - Your Committee, having under consideration the recommendations of the Sewer Availability Charge (SAC) Work Group on program changes by the Metropolitan Council, now recommends that the City support the proposed changes put forth by the SAC Work Group including specific support for the "Net-Credit" changes, support for the SAC loan program and support for continued conversation around customer service issues and revisions to community review process to reduce punitive impact on property owners/businesses, as set forth in the Department of Intergovernmental Relations (IGR) staff report.

Your Committee further directs communication of the City's support to the Metropolitan Council via a letter from the Chairs of the IGR Subcommittee and Transportation & Public Works Committee.

Once the full Metropolitan Council has acted on the proposed changes, staff from the Departments of Regulatory Services, Community Planning & Economic Development, Public Works and Finance is directed to:

 Make a recommendation to the City Council on a City policy and processes for excess Net-Credits;

- Make recommendations to the City Council on a City policy and process for a potential SAC loan program;
- Engage Metropolitan Council Environmental Services staff in further discussions about resolving customer service issues including help from the Neighborhood and Community Relations Department to assist in outreach to emerging small business communities.

Adopted.

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev - Your Committee, having under consideration the authorization to assign the City's interest in a loan to Greater Metropolitan Housing Corporation (GMHC), now recommends approval of the transfer of a \$4,000 Neighborhood Revitalization Program second mortgage loan on 3939 Fremont Ave N from the City of Minneapolis to GMHC and that the proper City officers be authorized to execute any documents associated with this request.

Adopted.

Comm Dev - Your Committee, having under consideration 2012 Affordable Housing Trust Fund (AHTF) Project recommendations, now recommends approval of a total up to \$6,640,227 from the AHTF for projects listed below, and that the proper City officers be authorized to execute the necessary documents:

- 1) A loan up to \$750,000 for the Broadway Flats project to be located at 2220 W Broadway Ave, by Rose Development, LLC or an affiliated entity;
- 2) A loan up to \$430,000 for Cameron project to be located at 756 N 4th St, by Creamette Building, LLC or an affiliated entity;
- 3) A loan up to \$1,125,000 for the Commons @ Penn Avenue project to be located at 2201 Golden Valley Rd, by Building Blocks Nonprofit, Inc. or an affiliated entity;
- 4) A loan up to \$2,093,427 for the Ebenezer Towers Apartments project to be located at 2523 Portland Ave, by ES Towers Limited Partnership or an affiliated entity;
- 5) A loan up to \$525,000 for the Greenway Heights Family Housing project to be located at 2845 Bloomington Ave, by Greenway Partners, LLC or an affiliated entity;
- 6) A loan up to \$76,800 for the Linden Place project to be located at 3201 Bloomington Ave, by CommonBond Communities or an affiliated entity;
- 7) A loan up to \$432,523 for Lonoke project to be located at 1926 3rd Ave S, by Portico Collaborative (formerly Plymouth Church Neighborhood Foundation) or an affiliated entity;
- 8) A loan up to \$1,165,000 for the PPL DECC Recapitalization project to be located at 3308 4th Ave, 1203-05 E 21st St and 1819-25 Elliot Ave, by Project for Pride in Living (PPL) or an affiliated entity. Adopted.

The COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee, having under consideration the recommendation of the Department of Community Planning & Economic Development (CPED) for submittal of Environmental Remediation Grant applications for remediation and/or investigation funding for Fall 2012, now recommends passage of the accompanying resolutions:

a) Authorizing application to the Minnesota Department of Employment and Economic Development [DEED] Contamination Cleanup and Investigation Grant Program for the following projects: 4250 Upton,

f/k/a Linden Hills; Harris Machinery Site [former]; Mill & Main, Phase II (conditional recommendation); Natural LLC, f/k/a Hobbs BBQ; Station at Washington; Surly Brewing a/k/a Malcolm Midway Site; Valspar a/k/a VAST Phase I [Valspar Applied Science and Technology Center]; WaHu Student Housing a/k/a Arby's Site; and Washburn Center for Children;

- b) Authorizing application to the Metropolitan Council's Tax Base Revitalization Account [TBRA] Grant Program for the following projects: 4250 Upton f/k/a Linden Hills; City Place Lofts; GAV Development; Harris Machinery Site [former]; Mill & Main, Phase II (conditional recommendation); Surly Brewing a/k/a Malcolm Midway Site; Valspar a/k/a VAST Phase I [Valspar Applied Science and Technology Center]; WaHu Student Housing a/k/a Arby's Site; and Washburn Center for Children; and
- c) Authorizing application to the Hennepin County Environmental Response Fund [ERF] for the following projects: 4250 Upton f/k/a Linden Hills; City Place Lofts; GAV Development; Mill & Main, Phase II (conditional recommendation); Sheridan Memorial Park (Veterans Memorial); Surly Brewing a/k/a Malcolm Midway Site; WaHu Student Housing a/k/a Arby's Site; Washburn Center for Children; and ERF Brownfield Grant Financing Program.

Your Committee further recommends approval of the proposed modification of the City's brownfield grant award administration fee from 3% of the amount of an awarded grant to 7%, as described in the CPED staff report.

Goodman moved to amend the report to direct staff to include the following policies relating to administration fees:

- 1. Grant Administration Fee policy will be due and payable at time of project closing with primary lender, and not due at time of grant agreement, for projects in compliance with the City's affordable housing policy.
- 2. Cap of 3% affordable administration fees not to exceed \$20,000 for projects in compliance with the City's affordable housing policy. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Resolution 2012R-553, authorizing application to the Minnesota Department of Employment and Economic Development [DEED] Contamination Cleanup and Investigation Grant Program for various projects, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2012R-553By Goodman and Hodges

Authorizing application to the Minnesota Department of Employment and Economic Development [DEED] Contamination Cleanup and Investigation Grant Program for various projects.

Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis has approved the Contamination Cleanup grant applications to be submitted to the Department of Employment and Economic Development (DEED) on November 1, 2012 by the City of Minneapolis for the following sites: 4250 Upton, f/k/a Linden Hills; Harris Machinery Site [former]; Mill & Main, Phase II (conditional recommendation); Natural LLC, f/k/a Hobbs BBQ; Station at Washington; Surly Brewing a/k/a Malcolm Midway Site; Valspar a/k/a VAST Phase I [Valspar Applied Science and Technology Center]; WaHu Student Housing a/k/a Arby's Site; and Washburn Center for Children.

Be It Further Resolved that the City of Minneapolis act as the legal sponsor for the projects contained in the Contamination Cleanup Grant Program applications to be submitted on November 1, 2012 and that the Director of the Department of Community Planning and Economic Development (or his designee) is hereby authorized to apply to the Department of Employment and Economic Development for funding of the aforementioned projects on behalf of the City.

Be It Further Resolved that the City of Minneapolis has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration.

Be It Further Resolved that the sources and amounts of the local match identified in the application are committed to the projects identified.

Be It Further Resolved that the City of Minneapolis has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

Be It Further Resolved that upon approval of its applications by the state and acceptance by the City Council, the City of Minneapolis may enter into agreements with the State of Minnesota for the above-referenced project(s), and that the City of Minneapolis certifies that it will comply with all applicable laws and regulation as stated in all contract agreements.

Be It Further Resolved that upon approval of its applications by the state and acceptance by the City Council, the Finance Officer or his designee will be authorized to execute such agreements as are necessary to implement the projects on behalf of the applicant.

Adopted.

Resolution 2012R-554, authorizing application to the Metropolitan Council Tax Base Revitalization Account [TBRA] for various projects, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2012R-554By Goodman and Hodges

Authorizing application to the Metropolitan Council Tax Base Revitalization Account [TBRA] for various projects.

Whereas, the City of Minneapolis (the "City") is a participant in the Livable Communities Act's Local Housing Incentives Account Program for 2012 as determined by the Metropolitan Council, and is therefore eligible to make application for funds under the Tax Base Revitalization Account; and

Whereas, the City has identified the following investigation and/or clean-up projects within the City that meet the Tax Base Revitalization Account's purposes and criteria: 4250 Upton, f/k/a Linden Hills; City Place Lofts; GAV Development; The Harris Machinery Site [former]; Mill & Main, Phase II (conditional recommendation); Surly Brewing a/k/a Malcolm Midway Site; Valspar a/k/a VAST Phase I [Valspar Applied Science and Technology Center]; WaHu Student Housing a/k/a Arby's Site; and Washburn Center for Children; and

Whereas, the City has the institutional, managerial and financial capability to ensure adequate project and grant administration; and

Whereas, the City certifies that it will comply with all applicable laws and regulations as stated in the contract grant agreements; and

Whereas, the City finds that the contamination investigation and/or cleanup will not occur through private or other public investment within the reasonably foreseeable future without Tax Base Revitalization Account grant funding; and

Whereas, the City represents that it has undertaken reasonable and good faith efforts to procure funding for the activities for which Livable Communities Act Tax Base Revitalization Account funding is sought but was not able to find or secure from other sources funding that is necessary for investigation and/or cleanup completion and states that this representation is based on the following reasons and supporting facts: City staff members provide information about all potential sources of brownfield grant funding and actively encourage project proponents to seek funding from as many prospective funding sources as possible;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council authorizes the Director of the Department of Community Planning and Economic Development or other appropriate City staff to apply on behalf of the City of Minneapolis to the Metropolitan Council for Tax Base Revitalization Account funding for one or more of the above-referenced projects. The City acknowledges that for each grant awarded to and accepted by the City, the City will be the grantee and will act as legal sponsor, and will administer and be responsible for grant funds expended for the project referred to in the applicable grant application.

Adopted.

Resolution 2012R-555, authorizing application to the Hennepin County Environmental Response Fund for various projects, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2012R-555By Goodman and Hodges

Authorizing application to the Hennepin County Environmental Response Fund for various projects.

Whereas, the City of Minneapolis intends to act as the legal sponsor for one or more of the following investigation or cleanup projects: 4250 Upton, f/k/a Linden Hills; City Place Lofts; GAV Development; The Mill & Main, Phase II (conditional recommendation); Sheridan Memorial Park (Veterans Memorial); Surly Brewing a/k/a Malcolm Midway Site; WaHu Student Housing a/k/a Arby's Site; and Washburn Center for Children;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council approves the aforementioned investigation and/or cleanup projects (although said approval does not confer other benefits or waive zoning, land use, building code or other applicable requirements), for which Environmental Response Fund grant applications are being submitted to the Hennepin County Department of Environmental Services on November 1, 2012 by the City of Minneapolis or by the affected property owner or developer.

Be It Further Resolved that the City Council approves the investigation and cleanup projects (although said approval does not confer other benefits or waive zoning, land use, building code or other applicable requirements) to be funded by the ERF Brownfield Grant Financing Program, for which an Environmental Response Fund grant application will be submitted to the Hennepin County Department of Environmental Services on November 1, 2012, by Minnesota Brownfields (a nonprofit organization that will also be administering the program in question).

Adopted.

Comm Dev & W&M/Budget - Your Committee, having under consideration the bid for demolition and site clearance at 2101 W Broadway, now recommends that the proper City officer be authorized to execute an amendment to Contract #C-35705 (OP No. 7592) with Veit and Company, Inc, by increasing the contract amount by \$5,908.00 for a total amount of \$66,694.00.

Adopted.

The PUBLIC SAFETY, CIVIL RIGHTS & HEALTH Committee submitted the following report:

PSC&H - Your Committee recommends the proper City officers be authorized to enter into a Memorandum of Understanding between the Minnesota Department of Health, Federally Qualified Health Centers/Rural Health Center, and the City of Minneapolis - Department of Health and Family Support, for Delegation of Authority to provide Vaccines for Children (VFC) purchased vaccine to eligible under- and un-insured children through the School Based Clinic program for the period of January 1, 2013 through December 31, 2018.

Adopted.

The PUBLIC SAFETY, CIVIL RIGHTS & HEALTH and WAYS & MEANS/BUDGET Committees submitted the following reports:

PSC&H & W&M/Budget - Your Committee recommends the proper City officers be authorized to execute an agreement with the Fourth Judicial District Court to accept a portion of a DWI Court Grant from the Minnesota Department of Public Safety grant, in the amount of \$70,900, to fund wages and benefits for a police officer to participate in the continuation of an Adult DWI Court in Hennepin County. Further passage of the accompanying resolution appropriating \$70,900 to the Police Department.

Adopted.

RESOLUTION 2012R-556 By Samuels and Hodges

Amending the 2012 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants – Other Fund (01600-4002735) by \$70,900 and increasing the revenue source (01600-4002735-321513) by \$70,900.

Adopted.

PSC&H & W&M/Budget – Your Committee-recommends the proper City officers be authorized to enter into provider services agreements and annual renewals with Blue Cross Blue Shield of Minnesota to allow the School Based Clinic program to bill for medical and behavioral health services, with an initial term of agreement through June 30, 2013, with automatic one year renewals effective for the period of July 1 through June 20 of subsequent years, unless terminated according to the Agreements. Adopted.

PSC&H & W&M/Budget - Your Committee recommends the proper City officers be authorized to execute a second multi-year public health Mutual Aid Agreement with 17 other metro jurisdictions involved in the provision of public health and environmental health services for response in public health and environmental emergencies for the period of January 1, 20113 to December 31, 2017. Adopted.

The REGULATORY, ENERGY & ENVIRONMENT Committee submitted the following reports:

RE&E - Your Committee recommends passage of the accompanying resolution granting Liquor and Wine Licenses to the following businesses:

- a) Republic, 3001 Hennepin Ave, Suite 2200 (New Proprietor)
- b) Lucky Dragon Restaurant, 1827 Riverside Ave S (License Upgrade). Adopted.

. Absent – Hofstede.

Approved by Mayor Rybak 11/2/2012.

(Published 11/6/2012)

Resolution 2012R-557, granting Liquor and Wine Licenses to Republic, 3001 Hennepin Ave; and Lucky Dragon Restaurant, 1827 Riverside Ave S, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2012R-557 By Glidden

Granting Liquor and Wine Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2013

Republic Calhoun Square LLC, dba Republic, 3001 Hennepin Ave, #2200 (New Proprietor)

On-Sale Wine Class B with Strong Beer, to expire April 1, 2013

Lucky Dragon Restaurant Inc, dba Lucky Dragon Restaurant, 1827 Riverside Ave (Upgrade from Class E).

Adopted.

Absent - Hofstede.

Approved by Mayor Rybak 11/2/2012.

RE&E - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Combined Trades License held by Deans Professional Plumbing, 5392 Quam Ave, St. Michael.

Adopted.

Absent – Hofstede.

Resolution 2012R-558, approving Business License Operating Conditions relating to the Combined Trades License held by Deans Professional Plumbing, 5392 Quam Ave, St. Michael, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2012R-558 By Glidden

Approving Business License Operating Conditions relating to the Combined Trades License held by Deans Professional Plumbing, 5392 Quam Ave, St. Michael.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Combined Trades License held by Deans Professional Plumbing, 5392 Quam Ave, St. Michael:

- 1. The Minneapolis Sewer Division will meet with Dean's Professional Plumbing management and assist them in establishing a baseline as to when repairs or replacement of the sewer tile is needed. Dean's will then establish a written policy for their employees to follow in determining when a repair is needed. That policy shall be turned in to the License Department within 30 days of signing the Operating Conditions document.
- 2. Dean's Professional Plumbing will comply with Minneapolis City Ordinance 158.30 by providing a detailed estimate upon request of the property owner.

- 3. Dean's Professional Plumbing will comply with Minneapolis City Ordinance 158.40 by providing a detailed invoice to all Minneapolis property owners after any work is completed.
- 4. Dean's Professional Plumbing agrees to offer a third party dispute resolution service to customers that have disagreement with the cost, conduct or quality of the work they performed.

 Adopted.

Absent - Hofstede.

RE&E - Your Committee recommends passage of the accompanying resolution granting applications for Liquor Licenses.

Adopted.

Absent - Hofstede.

Resolution 2012R-559, granting applications for Liquor Licenses, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2012R-559 By Glidden

Granting Liquor Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 276099):

Off-Sale Liquor, to expire April 1, 2013

Town Hall Brewery Ltd Ptr, dba Minneapolis Town Hall Brewery, 1430 Washington Ave S (Growler License)

On-Sale Liquor Class C-2 with Sunday Sales, to expire October 1, 2013

G & K Vegas Inc, dba Vegas Lounge, 965 Central Ave NE, 1st floor

On-Sale Liquor Class D with Sunday Sales, to expire October 1, 2013

S B Food Services Inc, dba Jewel of India, 1427 Washington Ave S

On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2013

ZHC Inc, dba Wasabi Fusion Cuisine, 903 Washington Ave S

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2013

Levit Holdings Ltd, dba Ichiban Japanese Steakhouse, 1333 Nicollet Mall Tri-Franklin LLC, dba Tracy's Saloon & Eatery, 2205 E Franklin Ave

Temporary On-Sale Liquor

People Serving People, dba People Serving People, 614 S 3rd St (Fundraiser November 30, 2012, 7:00 p.m. to 12:30 a.m., Grain Belt Brewery)

Liquor Catering Services, to expire August 1, 2013

Maple Tavern LLC, dba Maple Tavern, 9375 Deerwood Ln N, Maple Grove (New Business). Adopted.

Absent - Hofstede.

RE&E - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted.

Absent - Hofstede.

Resolution 2012R-560, granting applications for Business Licenses, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2012R-560 By Glidden

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of November 2, 2012 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 276099):

Extended Hours; Caterers; Farm Produce Permits; Grocery; Mobile Food Vendor; Short-Term Food Permit; Seasonal Short Term Food; Gas Fitter Class A; Gasoline Filling Station; Hospital; Hotel/Motel; Motor Vehicle Repair Garage; Towing Class B; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Plumber; Suntanning Facility; Taxicab Vehicle Fuel Efficient; Taxicab Vehicle Wheelchair Access; Taxicab Vehicle Non-Transferable; Combined Trades; Tree Servicing; and Tobacco Dealer. Adopted.

Absent - Hofstede.

RE&E - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted.

Absent - Hofstede.

Resolution 2012R-561, granting applications for Gambling Licenses, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2012R-561 By Glidden

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 276099):

Gambling Exempt

Minnesota Basketweavers Guild, dba Minnesota Basketweavers Guild, 11325 Robinson Dr NW, Coon Rapids (Bingo October 27, 2012, Minnesota Textile Center)

University of St. Thomas, dba University of St. Thomas, 2115 Summit Ave, St. Paul (Raffle November 2, 2012, Minneapolis School of Law Atrium)

Kevin Marquis Feet First Foundation, dba Kevin Marquis Feet First Foundation, 6080 151st Ln, Ramsey (Raffle November 7, 2012, Minneapolis Downtown Crowne Plaza Ballroom)

Vocalessence, dba Vocalessence, 1900 Nicollet Ave (Raffle November 12, 2012, Metropolitan Ballroom & Clubhouse)

Echo Ministries, Inc, dba Echo Ministries, Inc, 2355 Fairview Ave N #203, St. Paul (Raffle November 15, 2012, Van Dusen Mansion, 1900 LaSalle)

One Voice Mixed Chorus, dba One Voice Mixed Chorus, 732 Holly Ave, Suite Q, St. Paul (Raffle November 25, 2012, Private Residence 4101 Park Ave).

Adopted.

Absent - Hofstede.

RE&E - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Restaurant License held by Juba Cafe, 2927 E Lake St.

Adopted.

Absent - Hofstede.

Resolution 2012R-562, approving License Settlement Conference recommendations relating to the Restaurant License held by Juba Cafe, 2927 E Lake St, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2012R-562 By Glidden

Approving License Settlement Conference recommendations relating to the Restaurant License held by Juba Cafe, 2927 E Lake St.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on September 7, 2012 with the licensee; and

Whereas, the Regulatory, Energy & Environment Committee received Findings of Fact, Conclusions and Recommendations that concluded that administrative citations were issued for violating the Minneapolis Code of Ordinances relating to operating the business without a restaurant license and litter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

- 1. Juba Cafe has \$750 in citations for operating without a restaurant license. \$650 of these citations are dismissed. \$100 must be paid by October 12, 2012. The \$1,000 citation pending from September 6, 2012 is dismissed.
- 2. Juba Cafe agrees to remove litter and debris on a daily basis from their premises and within 100 feet. The \$200 citation pending from September 5, 2012 will be stayed if no further violation of the litter ordinance occurs within one year of signing the agreement.
- 3. Juba Cafe agrees to remove the patio area at the rear of their premises by October 31, 2012. This patio was installed in violation of Minneapolis Zoning ordinances which require outdoor patios to be a minimum of 20 feet from a residential area.

Adopted.

Absent - Hofstede.

RE&E - Your Committee, having under consideration the Rental Dwelling License for the property located at 3940 4th Ave S, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards, now recommends concurrence with the recommendation of the Director of Regulatory Services to approve the reinstatement of said license to be held by Kocon LLC, Hwan Hwang.

Adopted.

Absent - Hofstede.

The REGULATORY, ENERGY & ENVIRONMENT and WAYS & MEANS/BUDGET Committees submitted the following report:

RE&E & W&M/Budget - Your Committee, having under consideration the provision of lead hazard reduction services, now recommends that the proper City officers be authorized to amend Contract No. C-28680 with Minnesota Remodeling and Restoration Company to extend the contract for calendar years 2013 and 2014 and revise the estimated annual expenditure to \$800,000, all in accordance with the original bid specifications set forth in OP #7369.

Adopted.

Absent – Hofstede.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee recommends passage of the accompanying resolution adopting and levying the assessments and adopting the assessment roll for unpaid sanitary sewer service availability charges on the list of properties set forth in Petn No 276104.

Adopted.

Resolution 2012R-563, adopting the assessments, levying the assessments, and adopting the assessment roll for sanitary sewer service availability charges (SAC), was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2012R-563 By Colvin Roy

Adopting the assessments, levying the assessments, and adopting the assessment roll for sanitary sewer service availability charges (SAC) on the list of properties set forth in Petn No 276104.

Whereas, a public hearing was held on October 23, 2012 in accordance with Minnesota Statutes, Section 429.101 by authority of Minnesota Statutes, Chapter 473 to consider the proposed assessments as shown on the proposed assessment roll on file in the office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed assessments against the affected properties on the 2012 SAC Fees list updated December 16, 2011, set forth in Petn No 276104 in the total amount of \$8,400, as shown on the proposed assessment roll on file in the office of the City Clerk, is hereby adopted and levied.

Be It Further Resolved that the assessments be collected in their entirety on the 2013 real estate tax statements with interest charged at the rate of 5%.

Be It Further Resolved that the assessment roll as prepared by the City Engineer be and hereby is adopted and that the City Clerk is hereby directed to transmit certified copies of said assessment roll to the Hennepin County Auditor.

Adopted.

T&PW - Your Committee recommends passage of the accompanying resolution adopting and levying the assessments and adopting the assessment roll for water and sewer service line repairs or replacements on the lists of properties set forth in Petn No 276104.

Samuels moves that the payment period for the water service line repair assessment against the property located at 2935 Morgan Ave N be extended from five (5) to ten (10) years. Seconded.

Adopted upon a voice vote.

Glidden moved that the payment period for the water service line repair assessments against the following properties be extended from five (5) to ten (10) years:

- 4009 13th Avenue South
- 3505 2nd Avenue South. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Resolution 2012R-564, adopting the assessments, levying the assessments, and adopting the assessment rolls for water and sewer service line repairs or replacements, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2012R-564 By Colvin Roy

Adopting the assessments, levying the assessments, and adopting the assessment rolls for water and sewer service line repairs or replacements on the lists of properties set forth in Petn No 276104.

Whereas, a public hearing was held on October 23, 2012 in accordance with Section 509.465 of the Minneapolis Code of Ordinances to consider the proposed assessments as shown on the proposed assessment rolls on file in the office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed assessments against the affected properties on the Water Service Line Repair List, dated August 9, 2012 set forth in Petn No 276104 in the total amount of \$439,990, as shown on the proposed assessment roll on file in the office of the City Clerk, hereby are adopted and levied.

That the proposed assessments against the affected properties on the Sewer Service Line Repair List, dated August 9, 2012 set forth in Petn No 276104 in the total amount of \$166,391.25, as shown on the proposed assessment roll on file in the office of the City Clerk, hereby are adopted and levied.

Be It Further Resolved that the assessment for 3236 Minnehaha Ave, PID 01-028-24-14-0023, be collected in ten (10) successive equal annual principal installments beginning on the 2013 real estate tax statements, with interest charged at the rate of 5%.

Be It Further Resolved that the assessment for 4009 13th Ave S, PID 11-028-24-13-0128, be collected in ten (10) successive equal annual principal installments beginning on the 2013 real estate tax statements, with interest charged at the rate of 5%.

Be It Further Resolved that the assessment for 3505 2nd Ave S, PID 03-028-24-42-0043, be collected in ten (10) successive equal annual principal installments beginning on the 2013 real estate tax statements, with interest charged at the rate of 5%.

Be It Further Resolved that the assessment for 2935 Morgan Ave N, PID 09-029-24-32-0171, be collected in ten (10) successive equal annual principal installments beginning on the 2013 real estate tax statements, with interest charged at the rate of 5%.

Be It Further Resolved that the assessment for 4238 Emerson Ave N, PID 04-029-24-12-0051, be collected in seven (7) successive equal annual principal installments beginning on the 2013 real estate tax statements, with interest charged at the rate of 5%.

Be It Further Resolved that the remaining assessments be collected in five (5) successive equal annual principal installments beginning on the 2013 real estate tax statements, with interest charged at the rate of 5%.

Be It Further Resolved that the assessment rolls, as prepared by the City Engineer, be and hereby are adopted and that the City Clerk is hereby directed to transmit certified copies of said assessment rolls to the Hennepin County Auditor.

Adopted.

T&PW - Your Committee, having under consideration the 33rd Ave SE and Talmage Ave SE Street Reconstruction Project No 2225, now recommends that the proper City officers be authorized to amend Contract No C-35359 with Belair Builders, Inc., increasing the contract by \$178,859.69, for a revised contract total of \$814,105.69, to allow for construction contingencies provided as part of the original project budget.

Adopted.

Approved by Mayor Rybak 11/2/2012. (Published 11/6/2012)

T&PW - Your Committee recommends that Public Works staff be directed to study City collection of Source-Separated Organics, taking into consideration the Citizens Environmental Advisory Committee (CEAC) Memo dated August 6, 2012 regarding the scope of the study and questions to be considered, and report the findings to the Transportation & Public Works Committee by April of 2013. Adopted.

The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration the Metropolitan Council Environmental Services (MCES) Interceptor Rehabilitation Project in North Minneapolis to provide for the rehabilitation of portions of interceptors, maintenance access structures (manholes), as well as addressing pipe corrosion, clay pipe failures, and infiltration/inflow sources, now recommends:

- a) That the proper City officers be authorized to negotiate and execute a Master Funding Agreement with the Metropolitan Council for the North Minneapolis Interceptor Rehabilitation Project (1-MN-311, 32, 323, and 324); and
- b) That the proper City officers be authorized to negotiate and execute a Subordinate Funding Agreement (City of Minneapolis MCES01) with the Metropolitan Council for City Forces work associated with Phase 1, Contract A of the project (1-MN-311, 32, 323, and 324).

 Adopted.

T&PW & W&M/Budget - Your Committee, having under consideration the Pioneers and Soldiers Cemetery Fence Rehabilitation Project, now recommends:

- a) Passage of the accompanying resolution accepting a Minnesota Historical and Cultural grant in the amount of \$118,688 for the project and authorizing the drafting and execution of grant documents to accept the funds;
 - b) Passage of the accompanying resolution increasing the appropriation for the project by \$118,688;
- c) Awarding the RFP for consultant services for the remaining Project Phases III, IV, and V to Miller Dunwiddie Architecture and authorizing negotiation and execution of a contract for consulting services and reimbursable expenses with Miller Dunwiddie Architecture in the amount of \$76,400 for the future phases of the project; and
 - d) Authorizing Finance and Property Services to proceed with Phase III of the project.

Schiff moved to amend the attached map and Background/Supporting information of the Request for Council Action as follows:

"Background/Supporting Information

The Pioneers & Soldiers Memorial Cemetery Fence Restoration Project is the historic restoration of the ornamental steel fence surrounding the Pioneer & Soldiers Memorial Cemetery located at Cedar Avenue South and Lake Street.

The Pioneers and Soldiers Memorial Cemetery, established in 1853 as Layman's Cemetery, is the oldest surviving cemetery in Minneapolis, and is the only cemetery in Minnesota listed as an individual landmark on the National Register of Historic Places. In 1928, the city took ownership of the cemetery and renamed it the Pioneers and Soldiers Memorial Cemetery as an honor to the settlers, soldiers, and early residents buried there who contributed to the growth and prosperity of Minneapolis and the state of Minnesota.

The city installed the original steel fence that surrounds the cemetery in 1928. The fence is 1,953 feet in length and includes 66 sections with gates located on Cedar Avenue and Lake Street. Since that time the fence has deteriorated to a point that routine maintenance is no longer sufficient. Age and corrosion have resulted in a complete failure of the original paint system and in many places corrosion and metal fatigue have impacted the structural capacity of the fence such that it can no longer support itself.

Phase I of the project was completed in May 2011 and included the restoration of 15 of the 67 steel fence sections, including the main gates and the gates along Lake Street, an in-depth condition analysis of the fence and architectural design work.

Phase II, which included the restoration of 13 additional sections, was completed in October 2012.

Phase III is proposed to begin in November 2012 and restore 22 sections. After Phase III is completed the entire portion of Lake Street will be restored.

The \$118,688 Minnesota Historical and Cultural grant will go towards funding Phase IV. This phase is anticipated to be the last phase of restoring steel fence sections. It will restore the remaining 17 sections along Cedar Avenue.

Phase V of the project will consist of masonry restoration work to the 65 masonry columns. <u>It is estimated that this portion of the project will cost approximately \$300,000.</u> The future capital appropriations for CPSD12 will be required to fund <u>Phase V and</u> the future phases of this project. <u>The City of Minneapolis will again apply for grant funding from the Minnesota Historical and Cultural Grant program and the State Historical Preservation Office Grant-In-Aid program for this restoration project.</u>

Phase VI of the project is to install a new fence along 21st Avenue South that continues the same appearance along Lake Street and Cedar Avenue. It is estimated that this portion of the project will cost \$1.23 million. The City of Minneapolis will seek outside funding for this portion of the project (bonding, grants and donations). This portion of the project will not qualify for Minnesota Historical and Cultural Grant program or State Historical Preservation Office Grant-In-Aid program because it is not a restoration project. However, if approved by the City Council, city staff will again apply for state capital bonding.

In August of 2012 an RFP was issued for consulting services for the remaining Phase III, IV, and V restoration work at the Pioneers and Soldiers Cemetery. The consulting services were limited to these phases to meet Minnesota Historical and Cultural Grant program and the State Historical Preservation Office Grant-In-Aid program requirements and deadlines. After reviewing the three proposals received by the City of Minneapolis, staff recommends that we award to Miller Dunwiddie Architecture and move forward to negotiate and execute a contract for the consulting services.

Project funding sources include city capital funding, grants and private contributions. The City of Minneapolis will continue to work with the nonprofit organization, Friends of the Cemetery, to raise additional funds for the project. Additional funds will continue to be brought forward for acceptance in the future." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Resolution 2012R-565, authorizing the acceptance of a Minnesota Historical and Cultural grant in the amount of \$118,688 to be used for the Pioneers and Soldiers Memorial Cemetery Fence Rehabilitation Project, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolutions.

RESOLUTION 2012R-565 By Colvin Roy and Hodges

Authorizing the acceptance of a Minnesota Historical and Cultural grant in the amount of \$118,688 to be used for the Pioneers and Soldiers Memorial Cemetery Fence Rehabilitation Project.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept a \$118,688 Minnesota Historical and Cultural grant to be used for the purpose of the Pioneers and Soldiers Memorial Cemetery Fence Rehabilitation Project.

Be It Further Resolved that the proper City officers be authorized to draft and execute the necessary documents to accept the grant funds.

Adopted.

RESOLUTION 2012R-566 By Colvin Roy and Hodges

Amending The 2012 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation and revenue for the Capital Improvements Fund/Department (04100-9010923-8015-CPSD12) by \$118,688 to reflect receipt of a Minnesota Historical and Cultural grant.

Adopted.

T&PW & W&M/Budget - Your Committee, having under consideration the solicitation of grant applications for the Hennepin County Pedestrian and Bicycle Capital Improvement Program, now recommends that the proper City officers be authorized to submit the following four (4) bicycle projects and four (4) pedestrian projects for consideration:

Bikeway Gap Projects:

- Lyndale Ave N (7th St N to 42nd Ave N [Camden Bridge])
- 6th Ave SE/5th Ave SE (Stone Arch Bridge to E Hennepin Ave)

Bikeway System Projects:

- 36th St W (Bryant Ave S to E Lake Calhoun Pkwy)
- Broadway St NE (Stinson Pkwy to Industrial Blvd)

Pedestrian System Improvements:

- Lake Street (Dean Pkwy to Cedar Ave S)
- Franklin Ave (Lyndale Ave S to Bloomington Ave S)
- Penn Ave N (42nd Ave N to 16th Ave N)
- West Broadway Ave (Penn Ave N to 4th St N)

Adopted.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7694 from Highway Technologies, Inc., for an estimated annual expenditure of \$500,000.00, to furnish, install, maintain, and remove barricades, warning lights, and other traffic control devices as needed through January 31, 2014 per unit prices on the bid. Actual quantities will vary by +/- 100%, and Contractor is not entitled to claim that estimated quantities will be purchased by the City. Payment will be made only for actual quantities received and used.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service in accordance with City specifications.

Adopted.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7702 from Huls Bros. Trucking, Inc., for an estimated expenditure of \$1,200,000.00, to furnish all labor, equipment, and incidentals necessary for hauling and disposal of treatment residuals for the Water Treatment and Distribution Division.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service in accordance with City specifications.

Adopted.

T&PW & W&M/Budget - Your Committee, having under consideration the acceptance of the single bid submitted to the Public Works Department on OP No 7699 from Veit Disposal Systems, for an estimated expenditure of \$110,000.00, to furnish and deliver all labor, equipment, containers, and incidentals necessary for the proper disposal of construction debris and miscellaneous waste as called for through August 31, 2013 and authorizing the execution of a contract for said service in accordance with City specifications, now recommends:

T&PW - That said bid be **sent forward without recommendation**.

W&M/Budget - Approval.

Colvin Roy moved that the report be amended to approve the Ways & Means/Budget Committee recommendation and to delete the Transportation & Public Works Committee recommendation. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

The WAYS & MEANS/BUDGET Committee submitted the following reports:

W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Adopted.

Resolution 2012R-567, authorizing settlement of legal matters including *Garr White v. City of Minneapolis*, and *Tonya Magna*, on her own behalf and on behalf of her minor child, A.R.; Susan Hendrickson, on her own and on behalf of her minor child, A.S., v. Officers John Doe, Joe Smith, Jane Roe and City of Minneapolis, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2012R-567 By Hodges

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the settlement of:

- a) *Garr White v. City of Minneapolis,* by payment of \$17,500 to Garr White and his attorney, Marshall Tanick, from the Internal Service Self Insurance Fund (06900-1501500-145685);
- b) Tonya Magna, on her own behalf and on behalf of her minor child, A.R.; Susan Hendrickson, on her own and on behalf of her minor child, A.S., v. Officers John Doe, Joe Smith, Jane Roe and City of Minneapolis, by payment of \$40,000 to the trust account of Jordan S. Kushner, from the Internal Service Self Insurance Fund (06900-1501500-145400):

Further, authorize the City Attorney's Office to execute any documents necessary to effectuate the settlements.

Adopted.

W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the acceptance of donated broadcast airtime from Comcast Cable for public service announcements. Adopted.

Resolution 2012R-568, accepting airtime for public service announcements donation, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2012R-568 By Hodges

Accepting airtime for public service announcements donation.

Whereas, the City of Minneapolis is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts and bequests for the benefit of recreational services pursuant to Minnesota Statutes Section 471.17; and

Whereas, the following persons and entities have offered to contribute the gifts set forth below to the city:

Name of Donor Comcast Cable Gift airtime for Public Service Announcements

Whereas, no goods or services were provided in exchange for said donation;

Whereas, all such donations have been contributed to assist the city in communicating information promoting awareness and understanding of the new bike lane and shared lane markings on streets throughout the city, as allowed by law; and

Whereas, the City Council finds that it is appropriate to accept the donations offered; Now, Therefore, Be It Resolved By The City Council Of The City of Minneapolis:

That the donations described above are accepted and shall be used for promoting awareness and understanding of the new bike lane and shared lane markings on streets throughout the city. Adopted.

W&M/Budget - Your Committee recommends approval of the December 2012 utility billing insert on behalf of the Finance and Property Services Department providing information about local use tax. (Petn 276108)

Adopted.

W&M/Budget - Your Committee recommends acceptance of the low responsive bid received by the Convention Center on OP No 7693 from Grand Restaurant Equipment and Design in the amount of \$128,537.65 to furnish and deliver a commercial dish machine for the Minneapolis Convention Center.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for this project, all in accordance with City specifications.

Adopted.

W&M/Budget - Your Committee recommends the proper City officers be authorized to negotiate and execute an amendment to the current lease agreement (Contract C9610431) with Canal Street Ltd. Partnership, for office space at the Crown Roller Mill building, located at 105 5th Ave S, to allow for the payment of minor tenant improvements and deferred maintenance in City occupied space. The total of improvements is approximately \$75,000, needed to accommodate the relocation of Community Planning and Neighborhood and Community Relations into the building.

Action is within the existing operating budgets of the represented departments; no additional appropriation required.

Adopted.

W&M/Budget - Your Committee recommends the proper City Officers be authorized to issue a Request for Proposal (RFP) for an enterprise land management system to replace Kiva and consolidate the functionality of other existing systems related to the process of land management in the City. Adopted.

W&M/Budget - Your Committee, having under consideration Audit Report No. 2012-07 "Xcel Energy, Inc. Franchise Agreement Review" referred by the City Council on September 21, 2012, now recommends adopting the Management Response in the review, finding it is sufficient to address the risks identified in the Audit Findings.

Hofstede moved to add the word "first" to the recommendation clause prior to the words "Management Response", and to address the second Audit finding by directing the Finance Department to obtain certified annual statements of Xcel's gross operating revenues pursuant to the franchise agreement from the year 2012 going forward, and to report back with the results for 2012 to the Ways & Means/Budget Committee in February 2013. Seconded.

Adopted. Yeas, 7; Nays, 6 as follows:

Yeas - Gordon, Hofstede, Schiff, Lilligren, Colvin Roy, Tuthill, Johnson.

Nays - Reich, Quincy, Glidden, Goodman, Hodges, Samuels.

The report, as amended, was adopted.

The ZONING & PLANNING Committee submitted the following report:

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Karen Linner (BZZ-5762) to rezone the property at 3013 36th Ave S from the R1A Single Family District to the C1 Neighborhood Commercial District to allow for commercial office use of the building and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted.

Ordinance 2012-Or-075 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally,* rezoning the property at 1368 LaSalle Ave to the B4N District, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2012-Or-075
By Schiff
1st & 2nd Readings: 11/2/2012

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Lot 013, Block 001, Second Division of Seven Oaks Acres, Minneapolis, MN Metes and Bounds S 1/2 (3013 26th Ave S - Plate 28) to the C1 Neighborhood Commercial District. Adopted.

MOTIONS

Hodges moved that the regular payrolls for all City employees under City Council jurisdiction for the month of December, 2012, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted.

RESOLUTIONS

Resolution 2012R-569, recognizing the contributions of Timothy Dolan to the City of Minneapolis, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2012R-569

By Johnson, Reich, Gordon, Hofstede, Samuels, Lilligren, Goodman, Glidden, Schiff, Tuthill, Quincy, Colvin Roy and Hodges

Recognizing the contributions of Timothy Dolan to the City of Minneapolis.

Whereas, Timothy Dolan was raised and educated in north Minneapolis and began his career with the Minneapolis Police Department on January 31, 1983. He rose through the ranks to Sergeant, Lieutenant, Inspector, Deputy Chief, Acting Chief and Chief of Police on January 1, 2007; and

Whereas, Timothy Dolan served in a number of capacities in his career with the City of Minneapolis including Commander of the 4th Precinct, Commander of the Minneapolis/Hennepin County Narcotics Task Force, Director of Training and Commander of the SWAT Unit; and

Whereas, Timothy Dolan served on many professional and community boards including: the Police Executive Research Forum (PERF); Hennepin County Criminal Justice Coordinating Committee – Chair; DeLaSalle High School Board; Minnesota Peace Officers Standards and Training Board - Chair; and

Whereas, Timothy Dolan continued his education throughout his career receiving his M.A. in Police Administration from the University of St. Thomas and attended the FBI National Academy, Senior Management Institute of Policing; and

Whereas, Timothy Dolan has provided outstanding leadership, in challenging circumstances while serving as Minneapolis Chief of Police;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Mayor & the City Council of the City of Minneapolis hereby expresses its deep gratitude and appreciation to Timothy Dolan for his 30 years of dedicated service to the City of Minneapolis and to the Minneapolis Police Department.

Be It Further Resolved, that the Mayor and City Council hereby wish Tim Dolan, his wife, Lori Ann, and sons Ben, Matt, Brent & Tom, the very best in all of their future endeavors.

Adopted.

Resolution 2012R-570, honoring the 125th Anniversary of St. Paul's Lutheran Church, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2012R-570

By Schiff, Reich, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Tuthill, Quincy, Colvin Roy, Hodges

Honoring the 125th Anniversary of St. Paul's Lutheran Church.

Whereas, on October 31st 1887, St. Paul's Swedish Evangelical Lutheran Church was established by Swedish immigrants; and

Whereas, for 125 years St. Paul's Lutheran Church has served the Phillips community of South Minneapolis, one of the youngest, poorest and most diverse communities in Minneapolis; and

Whereas, St. Paul's is in the very heart of the Latino community, with substantial populations of Somali and Native Americans and over 7,000 youth living within one mile of the church; and

Whereas, St. Paul's has been nominated multiple times for the Ninth Ward Awards project of the year, leader of the year and youth leader of the year and was the 2008 Ninth Ward Youth Leader of the Year for a youth civic engagement project against graffiti; and

Whereas, St. Paul's is host and home to more than half a dozen community programs including a youth leadership program, a program for immigrant women to build skills, public art and gardening programs, and an environment and health program; and

Whereas, in addition to facilitating community programs, the church also provides 53 units of low-cost apartments for senior citizens at a building located across the street from the church; and

Whereas, Sunday November 4th, 2012 will be the church's final event to celebrate serving the Minneapolis community for 125 years with the Minneapolis Area Synod bishop, Ann Svennungsen; and

Whereas, St. Paul's Lutheran has embraced changes that recognize the evolving needs of the community, has a growing desire to make the church accessible to all people, and balances a deep appreciation of the past with a spirit of flexibility and a commitment to accommodate the community it serves; and

Whereas, St. Paul's Lutheran Church represents a variety of races, abilities, viewpoints, orientations, and is committed to working with others for the well-being of all people;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That Saturday, October 27, 2012 be proclaimed as St. Paul's Lutheran Church Day in the City of Minneapolis.

Adopted.

Resolution 2012R-571, supporting continued negotiation and resolution for the Minnesota Orchestra and orchestra musicians, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2012R-571 By Glidden and Hodges

Supporting Continued Negotiation and Resolution for Minnesota Orchestra and Orchestra Musicians.

Whereas, the Minnesota Orchestra, founded in 1903, is a cultural icon, historic resource, and economic resource to the City of Minneapolis and the State of Minnesota; and

Whereas, the Minnesota Orchestra, originally named the Minneapolis Symphony Orchestra, has contributed to the vitality, competitiveness, reputation and pride of the City of Minneapolis and our state for generations; and

Whereas, the Minnesota Orchestra significantly contributes to the City of Minneapolis' reputation as the region's art center; and

Whereas, the Minnesota Orchestra, described as "the greatest orchestra in the world" by The New Yorker's Alex Ross in 2010, has established Minnesota as a premier destination for artistic excellence; and

Whereas, the Minnesota Orchestra has influenced the development of contemporary music by commissioning and performing new works and supporting emerging composers, ensuring Minnesota's reputation as a center of music innovation and growth; and

Whereas, the Minnesota Orchestra and its world-class musicians have touched the lives of hundreds of thousands, if not millions, of Minnesotans through orchestral performances and educational activities of the Minnesota Orchestra and its musicians; and

Whereas, the musicians of the Minnesota Orchestra have contributed to the development of music and musicians in Minnesota, as well as the reputation and competitiveness of many organizations and institutions including the University of Minnesota School of Music; and

Whereas, symphony orchestras across the United States, including the Minnesota Orchestra, are facing significant financial challenges including reduced attendance and operating deficits, with the Minnesota Orchestra expecting to post a \$6 million deficit for fiscal year ending August 31, 2012;

Whereas, the City of Minneapolis accepted a 2010 state bonding grant of \$14 million on behalf of the Minnesota Orchestra for the purpose of maintaining and improving this performing arts center and contributing to its competitiveness as a world-renowned symphony orchestra; and

Whereas, in 2012, the City of Minneapolis issued \$15 million in 501(c)(3) revenue bonds and lent the proceeds to the Minnesota Orchestra for the purpose of the Orchestra Hall renovation; and

Whereas, the cultural and economic benefit of the Minnesota Orchestra depends on, in addition to its financial condition, its continued ability to attract and retain top caliber musicians, music directors, and artistic staff, retain and grow its audience, provide music opportunities to residents of all ages, and other factors; and

Whereas, during the Minnesota Orchestra lockout concerts are cancelled, concert revenue to the Orchestra is eliminated, tax revenues to the City and State will decrease, and musicians are without pay or health benefits; and

Whereas, revenue to the Convention Center (acting as the temporary performance hall of the Minnesota Orchestra), restaurants, bars, hotels, small local businesses, and the entire hospitality industry is impacted by the lack of concerts during a lockout;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis encourages that measures be taken to ensure that both the Minnesota Orchestra and its musicians have a common understanding of existing financial information and future projections; and

Be It Further Resolved that the City of Minneapolis discourages "lockout" as a means to resolve the existing labor dispute and requests that both sides work to find options for rebuilding trust and engaging in bargaining in order to ensure the continued vitality, reputation, and economic benefit of the Minnesota Orchestra as a pre-eminent cultural institution of our City and State; and

Be It Further Resolved that the City of Minneapolis encourages continued negotiation and resolution of the labor dispute between the Management and Musicians of the Minnesota Orchestra.

Adopted.

UNFINISHED BUSINESS

Glidden moved to delete from the agenda the ordinance introductions of the subject matters relating to food and health safety fees for establishments or premises subject to inspection by the City's environmental health inspectors pursuant to delegation agreements with the State of Minnesota. Seconded.

Adopted upon a voice vote.

NEW BUSINESS

Glidden gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 3, Chapter 47 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection: Air Pollution* (amending chapter title and adding a new section providing for commercial building energy rating and disclosure).

Lilligren moved to adjourn to Room 315 City Hall to consider the *Ann Marie Rasmusson v. City of Bloomington, et al.* lawsuit. Seconded.

Adopted upon a voice vote.

Council Chamber Room 315 City Hall 350 South 5th Street Minneapolis, Minnesota November 2, 2012 – 11:01 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

Present - Council Members Gordon, Reich, Hofstede, Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, Samuels, President Johnson.

Absent - Council Member Samuels.

Peter Ginder stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Ann Marie Rasmusson v. City of Bloomington, et al.* lawsuit.

At 11:02 a.m., Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent – Gordon, Hofstede, Hodges, Samuels.

Present - Council Members Gordon (in at 11:03 a.m.), Reich, Hofstede (in at 11:03 a.m.), Schiff, Lilligren (out at 11:39 a.m., in at 11:44 a.m.), Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges (in at 11:04 a.m.), President Johnson.

Absent - Council Member Samuels.

Also Present – Susan Segal, City Attorney; Peter Ginder, Deputy City Attorney; Tim Skarda, Assistant City Attorney; Kristin Sarff, City Attorney's Office; Kris Arneson, Minneapolis Police Department; Jennifer O'Rourke, Mayor's Office; Casey Carl, City Clerk; and Anne Roth, City Clerk's Office.

Tim Skarda summarized the *Ann Marie Rasmusson v. City of Bloomington, et al.* lawsuit from 11:03 a.m. to 11:50 a.m.

At 11:50 a.m., Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent - Samuels.

Glidden moved to settle the case of *Ann Marie Rasmusson v. City of Bloomington, et al.*, United States District Court file no. 12-cv-0632, upon the following terms and conditions: payment in the amount of \$392,500.00 to Anne Marie Rasmusson and her attorneys Sapientia Law Group PLLC and authorize the City Attorney to execute any documents necessary to effectuate the settlement payable from Fund/Org. 6900-150-1500-4000. Seconded.

Adopted.

Absent - Samuels.

Lillegren moved to adjourn. Seconded.

Adopted upon a voice vote.

Absent - Samuels.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Casey Joe Carl, City Clerk.

Unofficial Posting: 11/05/2012 Official Posting: 11/14/2012